

FILED

MAY 29 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

No. C - 07-05954 MHP

FRANK W. RUPP and DOUGLAS J. GOULD,

Plaintiff(s),

vs.

THE CITIZENS OF THE STATE OF NEVADA,

Defendant(s).

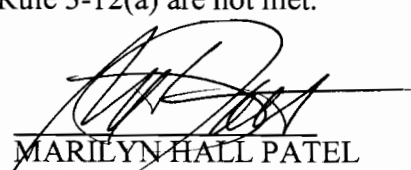
**FINDING THAT
CASES ARE NOT
RELATED**

This court finds that the newly-filed action C-08-01939 SBA is not related to the above action. Although the plaintiffs are the same, the defendants in each of the cases are different and different issues are likely to arise. Furthermore, it is unlikely that there will be any duplication of labor or expense or conflicting results since the above action was dismissed within a month and a few days of its filing. A *sua sponte* order of dismissal was issued on January 3, 2008, dismissing for lack of subject matter jurisdiction based upon the nature of the defendant and the claims against that defendant as set forth in the order. No time or effort was expended on the merits of the claims or any other issues related to the case, this court having found it was without jurisdiction to entertain the action.

Thus, the court finds that the requirements of Civil Local Rule 3-12(a) are not met.

IT IS SO ORDERED.

Date: May 28, 2008


MARILYN HALL PATEL
Judge
United States District Court

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FRANK W RUPP et al,
Plaintiff,

Case Number: CV08-01939 SBA

CERTIFICATE OF SERVICE

v.

FIRST AMERICAN TITLE COMPANY et al,
Defendant.
_____ /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 29, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Douglas J. Gould
Ritter House Homeless Services
16 Ritter Street
P.O. Box 3517
San Rafael, CA 94901

Frank W. Rupp
439 Butterfield
Cathedral City, CA 92234

Dated: May 29, 2008

Richard W. Wieking, Clerk
By: Anthony Bowser, Deputy Clerk